
HOUSE BILL No. 1705

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-57-1.

Synopsis: Arbitration clauses. Provides that certain claims by a patient or the personal representative of a deceased patient against a health facility may not be submitted to arbitration. Allows the parties to agree to arbitration after an action is filed. Declares certain arbitration agreements between a patient and health facility void.

Effective: July 1, 2005.

Day, Koch

January 19, 2005, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1705

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-57-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter applies
3 to any controversy existing between two (2) or more parties, which
4 might be the subject of a suit at law, except as otherwise provided in
5 ~~section~~ **sections 2 and 2.5** of this chapter.

6 SECTION 2. IC 34-57-1-2.5 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2005]: **Sec. 2.5. (a) Except as provided in subsection (b), a claim**
9 **by:**

10 **(1) a patient; or**

11 **(2) the personal representative of a deceased patient;**
12 **against a health facility licensed under IC 16-28 for negligent or**
13 **intentional acts or omissions against the patient, including a claim**
14 **for wrongful death under IC 34-23, may not be submitted to**
15 **arbitration.**

16 **(b) After the commencement of an action based on a claim**
17 **described in subsection (a), the parties may agree in writing to**

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1 submit the controversy on which the action is based to arbitration
2 by one (1) or more persons.

3 (c) A contract between a health facility and a patient of the
4 health facility is against public policy and void to the extent that it
5 provides for arbitration:

6 (1) at a time when; or

7 (2) under circumstances under which;
8 arbitration is prohibited by this section.

9 SECTION 3. IC 34-57-1-3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~All persons~~, Except:

11 (1) for minors and mentally incompetent persons; and

12 (2) as provided in section 2.5 of this chapter;

13 a person may, by an instrument in writing, submit a controversy for
14 arbitration by one (1) or more persons.

15 SECTION 4. [EFFECTIVE JULY 1, 2005] IC 34-57-1-2.5, as
16 added by this act, applies only to contracts entered into or renewed
17 after June 30, 2005.

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